IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 4780 of 2006
Date of Decision: 12.9.2006

Itbari Singh ...Petitioner

Versus

Harbans Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Ms. J.K. Gurna, Advocate, for the petitioner.

JUDGMENT

The plaintiff is in revision petition aggrieved against the order passed by the learned trial Court on 12.8.2006, whereby the evidence of the plaintiff was closed on account of his failure to conclude his evidence inspite of number of opportunities granted.

Learned counsel for the petitioner has argued that the petitioner has filed an affidavit in evidence but could not make himself present for the purposes of cross-examination on account of his illness. It is submitted that if one opportunity is granted, the plaintiff shall appear as his own witness for the purposes of cross-examination and shall also produce his entire evidence on the said date. It is also stated that the plaintiff shall also compensate the defendants on account of delay in concluding his evidence.

In view of the above, the petitioner is permitted to appear his own witness and to lead his entire evidence subject to payment of Rs.2000/- as costs on 12.10.2006 i.e. the date fixed before the trial Court. If on the said date, the plaintiff tenders the costs and leads his evidence, the same shall be recorded by the learned trial Court. However, the petitioner shall not be entitled to any other opportunity to lead his entire evidence. If any

affidavits in evidence are required to be filed, the same shall be filed within two weeks from today, with an advance copy to the learned counsel for the defendants before the learned trial Court. If there is default in on furnishing of affidavit(s) or payment of costs, the evidence of the plaintiff shall be deemed to be closed.

Civil revision stands allowed in the above terms.

12-09-2006 (HEMANT GUPTA)
ds JUDGE